

# Federal Court Decisions

## Farahnak v. Canada (Attorney General)

Court (s) Database: Federal Court Decisions

Date: 2026-03-23

Neutral citation: 2026 FC 379

File numbers: T-3581-25

**Date: 20260323**

**Docket: T-3581-25**

**Citation: 2026 FC 379**

**Ottawa, Ontario, March 23, 2026**

**PRESENT: The Honourable Madam Justice Strickland**

**BETWEEN:**

**ZAHRA FARAHNAK**

**Applicant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

### **JUDGMENT AND REASONS**

[1] The Applicant, Zahra Farahnak, seeks judicial review of a decision of an Emergency Benefits Validation Agent [Agent] of the Canada Revenue Agency [CRA] dismissing a second review of the Applicant's application

for the Canada Emergency Response Benefit [CERB] under the *Canada Emergency Response Benefit Act*, SC 2020, c 5, s 8 [*CERB Act*] and the Canada Recovery Benefit [CRB] under the *Canada Recovery Benefits Act*, SC 2020, c 12, s 2 [*CRB Act*].

[2] For the reasons that follow, I have found the second review decision to be reasonable and to be procedurally fair. Accordingly, I am dismissing this application for judicial review.

## **Background**

[3] The Applicant applied for and received the CERB for four consecutive periods from March 15, 2020, to July 4, 2020, and the CRB for 24 consecutive periods from November 22, 2020, to October 23, 2021.

[4] By letter dated April 26, 2024, the CRA advised the Applicant that a review was being conducted to verify her eligibility to receive the CERB and the CRB. The letter described the eligibility requirements for both the CERB and the CRB and requested copies of listed documents to support her eligibility, these included pay stubs, records of employment, letters from employers confirming dates of work stoppage or dates of reduced work due to COVID-19, and bank statements. By letter dated June 1, 2024, the Applicant responded by submitting additional information related to her applications for the CERB and the CRB and attached four letters from her employer, Brock University, dated June 5, 2020, September 3, 2020, November 11, 2020, and July 12, 2021, as well as a statement from RBC showing transactions between March 1, 2020, and October 31, 2021.

[5] On August 29, 2024, the Applicant was contacted by and spoke on the phone with the first reviewing CRA agent. She subsequently submitted another letter on September 2, 2024, attaching the same RBC statement but with deposits from Brock University circled as well as three Records of Employment [ROE] from Brock University.

[6] By letter dated October 11, 2024, the first review, the CRA advised the Applicant of the reasons for its decision that she was not eligible for the CERB and not eligible for the CRB for the periods from December 20, 2020, to May 8, 2021 (periods 7-16) and August 29, 2021, to October 23, 2021 (periods 25-28). By letter dated November 8, 2024, the Applicant requested a second review and provided additional information related to her

employment and income. She attached the same three ROEs and the same four letters from Brock University previously submitted. She also attached her 2019 T4 and T4A and her 2020 T4.

[7] The second reviewing Agent spoke with the Applicant by phone on August 6, 2025, and asked if there were any additional documents that she wanted to submit. The Applicant indicated that there were not and that the review could be completed based on the documents already submitted. By letter dated August 25, 2025, the Agent advised the Applicant the second review had determined, for the reasons set out, that the Applicant was ineligible for the CERB and the CRB. That decision is the subject of this judicial review.

### **Decision Under Review**

[8] The August 25, 2025, second review decision letter advised the Applicant that CRA had completed its review and considered all of the available information and that:

We have determined you are not eligible for the Canada Emergency Response Benefit (CERB). You are not eligible for the following reason(s):

- You did not earn at least \$5,000 (before taxes) of employment and/or self-employment income in 2019 or in the 12 months before the date of your application.
- You did not stop working or have your hours reduced for reasons related to COVID-19.

We have determined you are not eligible for the Canada Recovery Benefit (CRB). You are not eligible for the following reason(s):

- You did not have a 50% reduction in your average weekly income compared to the previous year due to COVID-19.

[9] The Certified Tribunal Record [CTR], among other things, contains the internal CRA record concerning the validation of the Applicant's benefits applications, communications with the Applicant and assessment and determination of eligibility. This includes a document described as "Screen captures from the CRA's T1Case case specific notes relevant to the Canada Emergency Benefits for the applicant" [CRA T1Case Screen Captures]. This Court has recognized that internal notes of CRA agents form part of the reasons for decision (*Khosroabadi v Canada (Attorney General)*, 2025 FC 1106 at para 32; *Kleiman v Canada (Attorney General)*, 2022 FC 762 at para 9; *Sriskanda v Canada (Attorney General)*, 2026 FC 131 [*Sriskanda*] at para 11). The CRA

T1Case Screen Captures has an entry dated August 21, 2025, and sets out the Agent's decision and reasons with respect to the Applicant's second review request:

**Decision:**

I will be deeming the Benefit Recipient (BR) ineligible for Canada Emergency Response Benefit (CERB) 1 to 4 as the BR not stop working or have their hours reduced for reasons related to COVID-19. The BR did not earn at least \$5,000 (before taxes) of employment and/or self-employment income in 2019 or in the 12 months before the date of their application.

I will be deeming the Benefit Recipient (BR) ineligible for Canada Recovery Benefit (CRB) periods: 7 to 16 and 25 to 28 as the BR did not have a 50% reduction in their average weekly income compared to the previous year due to COVID-19.

**Reason:**

During a phone conversation with the BR on August 15, 2025, the BR advised that they were working as a research assistant. They started working on June 1, 2020 on contracts part time Monday to Friday.

The BR if they were not working prior to the pandemic and that they did not work until June 2020.

The BR did not earn 5K of employment and/or self-employment income in 2019 or in the 12 months before the date of your application of CERB. The BRs work was not impacted due to covid because they did not work until June 2020.

The BR is not eligible for CERB periods 1 to 4.

The BR did not have a 50% reduction in their income compared to the 2019 or 2020 tax years.

The BR is not eligible for CRB periods 7 to 16 and 25 to 28.

**Issues and Standard of Review**

[10] In my view, the issues can be framed as follows:

1. Preliminary Issue – admissibility of evidence that was not before the administrative decision maker;
2. Was the decision reasonable?
3. Was the decision procedurally fair?

[11] The standard of review on the merits of the Agent's decision is reasonableness. On judicial review the Court "asks whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility

— and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99).

[12] The standard of review for issues of procedural fairness is correctness (see *Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). In this context, this requires the Court’s analysis to focus on whether the Applicant knew the case to meet and had a full and fair chance to respond (*Elykova v Canada (Attorney General)*, 2025 FCA 97 [*Elykova*] at para 5, citing *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 56).

### **Preliminary Issue – admissibility of evidence that was not before the administrative decision maker**

[13] The Applicant, in support of her application for leave and judicial review, filed an affidavit dated September 16, 2025, which attaches three exhibits containing the following documents: the August 25, 2025, second review decision letter (Exhibit A); a CRA Notice of Assessment dated April 15, 2020; a statement of remuneration and deduction from the Montreal Heart Institute for the periods January 19, 2019, to January 31, 2019, and February 2, 2019, to February 14, 2019, and a “Formulaire d’acceptation du stagiaire postdoctoral par le superviseur et l’unité académique” [TRANSLATION] “Postdoctoral Fellow Acceptance Form by the Supervisor and the Academic Unit” from the University of Montreal for the period January 14, 2019 to July 14, 2019, as well as an extension from July 15, 2019, to April 7, 2020 (Exhibit B); and, Scotia Bank statements from January 27, 2019, to September 26, 2019, which include payroll deposits from the Montreal Heart Institute (Exhibit C).

[14] The Respondent has filed in its record an affidavit of Ms. Carly Turner, affirmed on October 28, 2025 [Turner Affidavit]. Ms. Turner was, at all material times, employed as a Canada Emergency Benefits Validation Agent and was the second reviewing Agent with respect to the Applicant’s application for benefits. The Turner Affidavit describes generally the benefits program, the CRA review process, the reviews of the Applicant’s benefits applications and the decision under review. It attaches as exhibits a document entitled “Confirming Covid-19 benefits eligibility” which Ms. Turner deposes was used by CRA agents to guide them in determining if an applicant was eligible for benefits (Exhibit A); relevant T1Case agency-wide notepad entries (Exhibit B); relevant entries from the T1Case specific notepad (Exhibit C); an electronic printout from CRA’s system showing the Applicant’s historical and current eligibility overview for the benefits (Exhibit D); the April 26,

2024, letter from CRA to the Applicant (Exhibit E); the June 2, 2024, letter from the Applicant (Exhibit F); the September 2, 2024, letter from the Applicant (Exhibit G); and, the second review decision letter dated October 11, 2024 (Exhibit H).

[15] Ms. Turner deposes that the documents contained in Exhibit B and C of the Applicant's affidavit were not before her at the time she made the second review decision.

[16] As set out in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22, and as restated many times in subsequent jurisprudence, there is a general rule that the evidentiary record before this Court on judicial review is restricted to the evidentiary record that was before the administrative decision-maker. Evidence that was not before the decision-maker and that goes to the merits of the matter is not admissible in an application for judicial review in this Court (at para 19). There are three recognized exceptions to this general rule being when an affidavit (i) provides general background in circumstances where that information might assist the Court in understanding the issues relevant to the judicial review, but does not go further and provide evidence relevant to the merits of the matter decided by the administrative decision-maker; (ii) brings to the attention of the reviewing Court procedural defects that cannot be found in the evidentiary record of the administrative decision-maker so that the Court can fulfill its role of reviewing for procedural unfairness; and, (iii) highlights the complete absence of evidence before the administrative decision-maker when it made a particular finding (at para 20).

[17] I would first note that the CTR includes the Applicant's T4 slip for 2019 which shows that the Applicant received employment income in the amount of \$1,952.44 from McGill University. It also includes the Applicant's T4A slip for 2019 which shows an amount of \$32,538.60 under Box 105 ("other information") from the Montreal Heart Institute. As well as a document titled "Screen captures from the CRA's computer system showing 'Income and Deductions' screens with respect to the Applicant for the 2019-2021 taxation years" [CRA Income and Deductions]. This document includes entries with amounts for T4 Earnings, "taxbl sch fell burs art grant," Taxable income, Tax payable and Tax deducted. Therefore, there was some information pertaining to the Applicant's income in 2019 before the decision-maker.

[18] Exhibits B and C include documents that also relate to employment income in 2019, but which were not submitted to and were not before the decision-maker.

[19] In her affidavit, the Applicant submits that in 2019, she had employment income from McGill University in the amount of \$1,952.44, as shown on her 2019 T4 slip, which was submitted to the CRA. She states that she also worked at the Montreal Heart Institute (Université de Montréal) as a postdoctoral fellow under a full-time term contract, earning \$32,538.60, as shown on her 2019 T4A which was submitted to CRA. Income tax of \$2,858.98 was deducted at source.

[20] In her affidavit, the Applicant did not offer any reasons for why the documents contained in Exhibits B and C were not previously submitted to the CRA, she simply stated:

11. Attached as **Exhibit B** [page 7-15] are a copy of the notice of assessment for 2019, true copies of two pay stubs I have retained from my 2019 employment at the Montreal Heart Institute, together with a copy of my employment contract and its extension. I was unable to locate additional pay stubs from that year despite searching my records.

12. Attached as **Exhibit C** [page 16-31] are true copies of my 2019 bank statements, showing deposits corresponding to my employment income.

[21] When appearing before me, the Applicant asserted that CRA had rushed her and not allowed her the time needed to locate and submit these documents. However, this is a new argument, not included in her supporting affidavit. Nor is it supported by the record. An entry dated August 15, 2025, found in the CRA T1Case Screen Captures, summarizes a phone call with the Applicant and states “I asked the BR if they had any additional documents they wanted to provide they advised that they didn’t and that I can complete the review with the documents they already provided.”

[22] In my view, the financial and employment documents in Exhibits B and C do not provide general background information and speak directly to the merits of the second review decision. They are not related to an alleged procedural defect. And, some of the information contained in the documents is available elsewhere in the record as outlined above, therefore, they also do not highlight the complete lack of evidence before the decision-maker.

[23] Given that the documents in Exhibits B and C of the Applicant's affidavit do not fall into any of the exemptions to the general rule, I agree with the Respondent that they are inadmissible as they were not before the decision-maker when the second review decision was made.

### **Issue 1: Was the decision reasonable?**

#### *Applicant's position*

[24] The Applicant, who is self-represented, submits that the decision is unreasonable because the Respondent misapplied eligibility requirements, failed to engage with or ignored key evidence establishing her qualifying income and income reduction, and failed to provide adequate reasons. The Applicant submits that the CRA failed to engage with key evidence establishing her qualifying income and income reduction. The absence of an analysis of this evidence renders the decision unreasonable.

[25] The Applicant refers to "Sandra Lang v. Attorney General of Canada, 2024 FC 892" (I note that 2024 FC 892 is actually *Canada (National Revenue) v Ghermezian*, 2024 FC 892. There is a case involving Sandra Lang regarding the CERB and the CRB correctly cited as *Lang v Canada (Attorney General)*, 2024 FC 1100, presumably this is what the Applicant intended) which she states found a CRA decision to be unreasonable because it ignored the applicant's Notice of Assessment and T4 slips. She submits that the absence of any discussion of her documented income and COVID related employment interruptions similarly renders the decision unreasonable.

[26] The Applicant also submits that the decision was based on erroneous findings of fact that are directly contradicted by the evidence. In her written submission she asserts that the Turner Affidavit incorrectly:

Confirmed she [the Applicant] **did not have enough income** in 2019 (Turner Affidavit, para 18).

Stated she [the Applicant] was a **research student** during 2019 and was paid under a **fellowship** (Turner Affidavit, para 23). The Applicant's sworn Affidavit (paras. 8-10 and Exhibit B) directly contradicts these assertions by proving the 2019 income of **\$33,990** derived from **employment** as a Post-Doctoral Fellow/Research Assistant with corresponding T4s/contracts. The decision-maker relying on such misrepresentations in the Tribunal Record or, worse, the Respondent relying on them in this litigation, demonstrates the perverse and unsupported nature of the CRA's conclusion.

[27] With respect to the Respondent misapplying the CERB/CRB eligibility requirements, the Applicant argues the CRA erred in law by concluding that she failed to meet the \$5,000 income requirement, despite the evidence she submitted demonstrating her 2019 income to be \$33,990. The CRA also erred in assessing the 50% income-reduction criterion by comparing anticipated income rather than actual pre-pandemic earnings.

### *Respondent's Position*

[28] The Respondent submits that the onus is on the Applicant to prove the decision is unreasonable. The Applicant has not identified any shortcomings in the decision made by the Minister. Rather, the Applicant disagrees that she did not meet the eligibility criteria of having earned \$5,000 of employment and/or self-employment income and that the Applicant did not demonstrate that she did not stop working or have her hours reduced for reasons related to COVID-19.

### *Analysis*

[29] The second review decision provided two reasons why the Applicant was not eligible for the CERB and one reason why the Applicant was not eligible for the CRB. I will address each of these in turn.

#### *i. CERB: The Applicant did not earn at least \$5,000 (before taxes) of employment and/or self-employment income in 2019 or in the 12 months before the date of her application*

[30] Subsection 5(3) of the *CERB Act* states that an “applicant must provide the Minister with any information that the Minister may require in respect of the application.” Additionally, this Court has found that with respect to COVID-19 benefits, the onus is on applicants to inform themselves of the eligibility criteria for each benefit and to provide that those criteria have been met (*Teymourian v Canada (Attorney General)*, 2025 FC 216 at para 31; *Abkouk v Canada (Attorney General)*, 2024 FC 1866 at para 12).

[31] Under paragraph 6(1)(a) of the *CERB Act*, in order to be eligible for the CERB, a worker must cease working for reasons related to COVID-19 for at least 14 consecutive days within the period they apply. Under paragraph 6(1)(b), during the consecutive days they ceased working, they must not receive income from employment or self-employment more than \$1,000 (*CERB Act* s 6(1)(b)(i); *Income Support Payment (Excluded Nominal Income) Regulations*, SOR/2020-90 s 1); benefits as set out in subparagraph 6(1)(b)(ii); allowances as set out in subparagraph 6(1)(b)(iii); or other income prescribed by regulation (s 6(1)(b)(iv)).

[32] A worker is defined in section 2 as:

a person who is at least 15 years of age, who is resident in Canada and who, for 2019 or in the 12-month period preceding the day on which they make an application under section 5, has a total income of at least \$5,000 — or, if another amount is fixed by regulation, of at least that amount — from the following sources:

(a) employment;

(b) self-employment;

(c) benefits paid to the person under any of subsections 22(1), 23(1), 152.04(1) and 152.05(1) of the *Employment Insurance Act*; and

(d) allowances, money or other benefits paid to the person under a provincial plan because of pregnancy or in respect of the care by the person of one or more of their new-born children or one or more children placed with them for the purpose of adoption.

[33] The Applicant argues that the Turner Affidavit incorrectly asserts that the Applicant stated that she was a research student during 2019 and was paid under a fellowship. The Applicant argues that her own affidavit contradicts this and proves “the 2019 income of **\$33,990** derived from **employment** as a Post-Doctoral Fellow/Research Assistant with corresponding T4s/contracts.” In her affidavit, the Applicant states:

8. In 2019, I had employment income from McGill University in the amount of \$1,952.44, as shown on my 2019 T4 slip, which was submitted to the CRA.

9. In 2019, I also worked at the Montreal Heart Institute (Université de Montréal) as a postdoctoral fellow under a full-time term contract, earning \$32,538.60, as shown on my 2019 T4A. Income tax of \$2,858.98 was deducted at source. The 2019 T4A slip was submitted to the CRA.

[34] The Applicant’s 2019 T4, which was before the Agent, indicates the Applicant’s employment income as \$1,952.44 (Box 14) and income tax deducted as \$139.86 (Box 22).

[35] The Applicant’s 2019 T4A, which was also before the Agent, indicates income tax deducted as \$2,858.98 (Box 22) and as an entry under “Other Information,” the amount of \$32,538.60 (Box 105).

[36] The CRA Income and Deductions document in the CTR includes an entry of “T4 Earnings” in the amount of \$1,952 as well as “taxbl sch fell burs art grant” of \$32,038 for a total income of \$33,990 and “Taxable

income” as \$33,953. “Tax payable” is indicated as \$1,206.22 and “Tax deducted” as \$2,998.84, resulting in a refund of \$2,015.93 (I note in passing here that this is consistent with the Applicant’s inadmissible 2019 Tax Assessment).

[37] The question, therefore, is whether the \$32,538.60 of income in Box 105 of the Applicant’s T4A is employment or self-employment income for purposes of the CERB legislation and, given this, whether it was unreasonable for the Agent to conclude that the Applicant did not earn \$5,000 of employment or self-employment income in 2019.

[38] The CTR includes a document titled “Confirming Covid-19 benefits eligibility” [Guidelines] which is described as a “Procedure document that instructs CRA agents on how to determine eligibility for CEB.” The Guidelines list ineligible sources of income which include “Students’ loans, bursaries or scholarships.” It gives, as an example, “Box 105 of T4A slip: Artist projects grants,” as follows:

Scholarships, bursaries and artists project grants are all reported on box 105 of the T4A and these amounts are generally considered as “other income” and aren’t eligible for the covid-19 benefits.

....

[39] The Turner Affidavit states that by letter dated April 26, 2023, the CRA advised the Applicant of a review of her application and the “letter explained the eligible and ineligible types of employment or self-employment income and the documentation required.” The letter is dated April 26, 2024, and is attached as an exhibit to that affidavit and states “[p]ensions, student loans and bursaries are not employment income and therefore, should not be included in the \$1,000.”

[40] Of the boxes that were filled in on the Applicant’s T4 and the T4A, only Box 14 of the T4 is listed in the Guidelines as an eligible source of income, although the Guidelines state the eligible sources are not limited to the list provided. Notably, Box 105 is not listed as an eligible source of income. As noted above, it is discussed under ineligible sources of income.

[41] This was considered by the Agent. An entry in the CRA T1Case Screen Captures dated August 6, 2025, states “Action Plan: ... Discuss income reported on 2019 (BR is advising its for employment but T4A has it listed as a scholarship) Explain criteria.” The CRA T1Case Screen Captures also includes an entry which states:

T1 Return Income:

2019:

T4 - \$1,952

Grant - \$32,038

[42] Based on the information before the Agent, the income the Applicant received from the Montreal Heart Institute was reasonably found not to be employment or self-employment income for the purpose of a CERB application. The Applicant’s income from McGill University was employment income. However, this income (\$1,952) did not meet the \$5,000 minimum requirement.

[43] Given the above, I disagree with the Applicant that the Agent failed to engage with the documents submitted. The CRA T1Case Screen Captures show the Agent considered the various sources of the Applicant’s income based on the documents she provided. The documents she submitted to the Agent did not establish that her fellowship was eligible income nor that she had sufficient eligible income to qualify. It was therefore reasonable to conclude that Applicant did not meet the \$5,000 eligible income requirement for 2019.

[44] When appearing before me, the Applicant submitted that her post-doctorate contract with the Montreal Heart Institute demonstrates that she performed “real work” and, therefore, earned eligible income. However, she unfortunately did not provide that document to the CRA. Even in her affidavit filed in support of her judicial review she does not explain what work she did or how this was connected to the fellowship payments that she received. It is possible, had she submitted her contract and other related documents, that the CRA would have accepted her fellowship work as eligible income. However, the Applicant failed to meet her onus of providing the necessary documents to support her eligibility and there is no evidence in the record that she requested an extension of time to obtain the necessary documents and that her request was refused.

*ii. CERB: The Applicant did not stop working or have her hours reduced for reasons related to COVID-19*

[45] As stated above, under paragraph 6(1)(a) of the *CERB Act*, in order to be eligible, a worker must cease working *for reasons related to COVID-19* for at least 14 consecutive days within the period they apply.

[46] In her letter dated June 1, 2024, the Applicant stated:

At the onset of the pandemic, I was actively seeking employment and was jobless when COVID-19 struck. In June 2020, I found a remote position as a research associate at Brock University, working there until November 2020 on two contracts that were from 1-Jun-2020 to 31-Aug-2020 and 2-Sep-2020 to 31-Oct-2020 (contracts attached).

[47] She reiterated in her September 2, 2024, and November 8, 2024, letters that from January 2020 to June 2020 she was unemployed and had no income.

[48] The CRA T1Case Screen Captures shows that the Agent discussed this in a phone call with the Applicant: “I asked the BR if they were working prior to the pandemic they advised that they weren’t. The [BR] did not work in 2020 until June 2020. I discussed the CERB criteria with the BR.”

[49] The Applicant received the CERB from March 15, 2020, to July 4, 2020. She was not employed when COVID-19 hit. Therefore, she did not *cease* working due to COVID-19. Accordingly, it was reasonable for the Agent to conclude that the Applicant was not eligible for the CERB as she did not cease working due to COVID-19 during the period in which she received the CERB. Nor did the Applicant submit any documentation to the CRA to support a different conclusion.

[50] Finally, before concluding on the CERB eligibility, I note that although the Applicant refers to *Lang*, this case does not assist her. In *Lang*, the applicant had received self-employment income in cash. Justice Kane found that the agent’s decision regarding the applicant’s income eligibility was not reasonable. She found that the “Agent applied requirements for establishing eligibility that are not reflected in the CRA Guidelines (i.e., that Ms. Lang show proof that she deposited all cash earned into a bank account, and that she provide additional information on her invoices that is otherwise not required by the Guidelines).” Justice Kane also noted that the agent made unreasonable assumptions about how cash payments should have been treated by the applicant (at para 80). This is not the circumstance before me.

*iii. CRB: The Applicant did not have a 50% reduction in her average weekly income compared to the previous year due to COVID-19*

[51] Under paragraph 3(1)(f) of the *CRB Act*, a person is eligible for the CRB for any two-week period between September 27, 2020, and October 23, 2021 if, for reasons related to COVID-19, they were not employed or self-employed or they had a reduction of at least 50% in their average weekly employment income or self-employment income for the two-week period relative to (i) for applications made for a two-week period beginning in 2020, their total average weekly employment income and self-employment income for 2019 or in the 12-month period preceding the day on which they make the application; and (ii) for applications made for a two-week period beginning in 2021, their total average weekly employment income and self-employment income for 2019 or for 2020 or in the 12-month period preceding the day on which they make the application.

[52] The Applicant received the CRB for periods 5 to 28 from November 22, 2020, to October 23, 2021. She was subsequently found not eligible for the CRB for the period from December 20, 2020, to May 8, 2021 (periods 7-16) and August 29, 2021, to October 23, 2021 (periods 25-28).

[53] The Guidelines state that CRB applicants need to validate that they meet the 50% reduction criteria for every period they apply for.

[54] The CRA T1Case Screen Captures shows the Agent's calculations for the bi-weekly income for the Applicant in 2019 and 2020:

2019:

Employment Income: \$1,952.00

Self-employed Commissions:

Net Self-employment Income:

Total Annual Income: \$1,952.00

Bi-Weekly Income:  $\$1,952.00 / 26 = \$75.08$

50% of Bi-Weekly Income:  $\$75.08 / 2 = \$37.54$

2020:

Employment Income: \$21,746.00

Self-employed Commissions:

Net Self-employment Income:

Total Annual Income: \$21,746.00

Bi-Weekly Income:  $\$21,746.00 / 26 = \$836.38$

50% of Bi-Weekly Income:  $\$836.38 / 2 = \$418.19$

[55] The amounts used in these calculations are consistent with the Applicant's T4 slips for 2019 and 2020.

[56] In order to meet the 50% reduction criteria, for period 7 which began in 2020, the Applicant would need to show a bi-weekly income of no more than \$37.54. For periods 8-16 and 25-18, the Applicant would need to show a bi-weekly income of no more than \$418.19.

[57] The CRA calculated the Applicant made \$669.73 for periods 7-15; \$669.70 for period 16; \$697.91 for period 25; and \$751.59 for periods 26-28. This is consistent with the three ROEs from Brock University submitted by the Applicant and in the CTR.

[58] The CRA T1Case Screen Captures shows the breakdown of how much the Applicant received from Brock University bi-weekly, listed by time period for the weeks included in the ROEs. For each of the periods that the Agent found the Applicant ineligible for the CRB, the Applicant had earned more than her average bi-weekly income in 2019 and 2020.

[59] An entry dated August 21, 2025, in the CRA T1Case Screen Captures states "I will be deeming the Benefit Recipient (BR) ineligible for Canada Recovery Benefit (CRB) periods: 7 to 16 and 25 to 28 as the BR did not have a 50% reduction in their average weekly income compared to the previous year due to COVID-19." Under the reasons described the Agent also noted "The BR did not have a 50% reduction in their income compared to the 2019 or 2020 tax years."

[60] In my view, based on the evidence before her, the Agent's decision that the Applicant's income was not reduced by 50% per the calculation set out in the *CRB Act*, was reasonable.

**Issue 2: Was the decision procedurally fair?***Applicant's Position*

[61] The Applicant submits that the decision-making process was procedurally unfair because the CRA did not provide sufficient reasons in its decision letter to explain how it reached its conclusion, despite the evidence submitted. She submits that the lack of reasoned engagement with the Applicant's evidence (tax records and employment contracts) mirrors the deficient reasoning found unreasonable in *Lang*. Specifically, the CRA failed to acknowledge the full 2019 income history of \$33,990; the termination of employment contracts due to COVID-19 restrictions; and, the extended periods of unemployment in 2020 and 2021.

*Respondent's position*

[62] The Respondent submits that, in terms of procedural fairness, the question is whether the Applicant knew the case to meet and had a full and fair chance to respond. The decision reports, and the case notes prepared by the second reviewing Agent demonstrate, that the Applicant was continuously advised during the second review of what was required in order to confirm eligibility for the CERB and CRB. She was also advised that what she had provided during the first and second reviews was not sufficient and was given another opportunity to provide the required documentation.

[63] The Respondent submits that the Applicant had multiple opportunities to submit further evidence and all of the information she did submit was carefully considered. She was afforded her right to be heard, was alerted to the case to be met and afforded a full and fair opportunity to respond. There was no denial of procedural fairness.

*Analysis*

[64] This Court has held that for CERB and CRB applications, the level of procedural fairness owed is on the low end of the spectrum (*Phipps v Canada (Attorney General)*, 2025 FC 421 at para 37). In this context, procedural fairness requires that the Applicant receive notice of the case to meet and an opportunity to respond by providing information to substantiate her claim that she qualified for the CERB and CRB (*Sriskanda* at para 24; *Elykova* at para 7).

[65] Here, the record shows the Applicant had the opportunity to and did submit documents with respect to her applications. She was informed her applications were under review by letter dated April 26, 2024, which also listed the documents to be submitted to support her eligibility. She submitted additional documents on June 2, 2024. She then spoke to an agent on the phone on August 29, 2024.

[66] On September 2, 2024, she again submitted additional documents. She was advised on October 11, 2024, that she was not eligible for the CERB and CRB (for certain periods). On November 8, 2024, she submitted a letter requesting a second review and attached additional documents.

[67] As noted above, an entry in the CRA T1Case Screen Captures, summarizes an August 6, 2025, phone call with the Applicant and states “I asked the BR if they had any additional documents they wanted to provide they advised that they didn’t and that I can complete the review with the documents they already provided.”

[68] The Applicant did not submit the documents now attached as Exhibits B and C to her affidavit filed in support of this judicial review.

[69] In sum, the Applicant received notice of the case to meet and had an opportunity to respond. While she may not agree with the outcome, the evidence that she submitted was considered and there was no breach of the duty of procedural fairness owed.

## **Conclusion**

[70] Given the documents submitted by the Applicant, it was reasonable for the Agent to conclude that the Applicant had not made \$5,000 of eligible income in 2019, had not ceased working due to COVID-19 and was therefore not eligible for the CERB. It was also reasonable for the Agent to conclude that the Applicant did not have a 50% reduction in income for periods 7-16 and 25-28 and, therefore, was not eligible for the CRB during those periods. The process was procedurally fair. Accordingly, this application for judicial review is dismissed.

## **JUDGMENT IN T-3581-25**

**THIS COURT’S JUDGMENT is that**

1. The application for judicial review is dismissed, and
2. There will be no order as to costs

"Cecily Y. Strickland"

Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** T-3581-25

**STYLE OF CAUSE:** ZAHRA FARAHNAK v ATTORNEY GENERAL OF CANADA

**PLACE OF HEARING:** BY VIDEOCONFERENCE USING ZOOM

**DATE OF HEARING:** MARCH 18, 2026

**JUDGMENT AND REASONS:** STRICKLAND J.

**DATED:** MARCH 23, 2026

**APPEARANCES:**

Zahra Farahnak

FOR THE APPLICANT  
(ON THEIR OWN BEHALF)

Maeve Baird

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Attorney General of Canada  
Halifax, Nova Scotia

FOR THE RESPONDENT